IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9890/2007
Amar Singh Vs. State of Raj. & Ors.

Date of order : 30/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri J.K. Gupta for the petitioner.

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Upon hearing the arguments of learned counsel for the petitioner, I find that the petitioner is basing his claim on the judgment of Revenue Appellate Authority, Alwar dated 1.10.2002 whereby the matter was remanded to the Allotment Advisory Committee for considering the case of the petitioner for regularization of his possession over 15 bighas of land. Before however any decision could be taken by the said committee, the petitioner, apprehending his dispossession on the basis of steps taken by RIICO, approached the Assistant Collector, Behror by filing

the suit for regularization of his possession and injunction. The Assistant Collector has rejected the application for temporary injunction filed by the petitioner vide order dated 6.11.2007.

In my considered view, the writ petition, against the order of the Assistant Collector rejecting the temporary injunction application of the petitioner, directly before this Court is not maintainable. However, in the interest of justice, I give liberty to the petitioner to approach the appellate Court against the aforesaid judgment within a period of 21 days. Till then, the status quo with regard to the land in dispute shall be maintained. Whether or not the interim order has to be continued beyond that period shall be decided by the appellate court on the merits of the case afresh.

The writ petition is accordingly dismissed as not maintainable.

(MOHAMMAD RAFIQ), J.

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